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March 22, 2022

VIA ECF

The Honorable Andrew L. Carter, Jr., U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

Re: *Malcolm v. The City of New York*
20-cv-09641(ALC)

Dear Judge Carter:

This brief letter is written to clarify two points in the parties' recent submissions. Docket Entry ("D.E.") 68 and 73.

Initially, in Defendant's opposition papers, Defendant argues that Plaintiffs' request for a pre-motion conference with respect to moving to amend their first amended complaint should be denied for failure to submit a proposed pleading. From Plaintiffs' perspective Defendant's cited cases refer to the actual motion for leave to amend as opposed to the pre-motion conference request and further make reference to Local Rule 15(b) which is a rule that applies in the United States District Court for the Western District of New York. Further, Plaintiffs' moving letter further indicates the type of allegations that would be added in an amendment. Notwithstanding the foregoing, if the Court desires a proposed second amended complaint now, Plaintiffs would be happy to provide same.

Second, Defendant's opposition letter ends with a request for a pre-motion conference seeking leave to file a motion to dismiss which, after conversation with Defendant's counsel, Plaintiffs understand was a vestige from a prior letter. As such, Plaintiffs will not respond to same.

Respectfully submitted,

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cc: All Counsel of Record (VIA ECF)